

REMARKS

Claims 1-3 and 5-12 are currently pending in the application. Claim 2 has been amended. New claim 13 has been added. Support for the claim amendment to claim 2 and new claim 13 can be found throughout the application. In particular, support for the amendment to claim 2 can be found, e.g., at page 46, line 12. No new matter has been added.

Amendment of claims should in no way be construed as an acquiescence to any of the Examiner's rejections. The amendments to the claims are being made solely to expedite prosecution of the present application. Applicants reserve the option to further prosecute the same or similar claims in the instant or in a subsequent patent application.

Election/Restrictions

Applicants wish to thank Examiner Kam for her helpful comments during the telephone conference of May 15, 2003. During the conference, the Examiner agreed to let Applicants elect the methods of claims 8-12, rather than the nucleic acid claims of Group I which had been previously elected in the Response to Restriction Requirement dated September 3, 2002. Applicants had reminded the Examiner of a previous telephone conference with the Examiner (on September 3, 2002) during which the Examiner had accepted that method claims be added to the pending claims and indicated that a new restriction requirement would then be issued.

In the Office Action dated November 29, 2002, claims 8-12 were subject to a restriction/election. In particular, the claims were restricted into the following groups:

Group VI (class 530, subclasses 350 and 387.1) drawn to a method for identifying a compound that modulates the activity or level of a Csp protein by contacting a cell with a test compound and determining the level or activity of the Csp protein using the antibody specifically binding to the Csp protein; and

Group VII (class 536, subclass 23.1) drawn to a method for identifying a compound that modulates the activity or level of a Csp protein by contacting a cell with a test compound and determining the level of Csp RNA.

Applicants hereby provisionally elect with traverse to prosecute the claims of Group VI, i.e., the methods of claims 8-12 as they relate to detection of the level or activity of a Csp protein. The traversal is to the extent that no undue burden would be required to search both groups VI and VII. Furthermore, Applicants wish to note that, contrary to the statements in the Office Action, claims 8, 9, and 12 do not have any limitation involving a Csp antibody for detection of a Csp protein. Such limitations are only present in claims 10 and 11.

Informalities

Applicants note that they will correct the information in the specification and provide any appropriate statements regarding the ATCC deposit before payment of the issue fee for this application as required by 37 CFR §1.804.

Rejection of claim 2 under 35 U.S.C 102(e)

Claim 2 was rejected under 35 U.S.C. §102(e) as being anticipated by Palreja et al. (U.S. Patent No. 5,869,318). Applicants respectfully traverse this rejection. Claim 2 has been amended. The claim amendment is believed to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 832-1000.

Respectfully submitted,

By: _____



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